

JAMES SMALLEY,)
)
Plaintiff,)
)
vs.) Case No. 4:10CV319 RWS
)
MICHAEL GAMACHE, et al.,)
)
Defendants.)

This matter is before me on plaintiff's motion to compel. The motion will be denied as it appears it may be filed in the wrong case. In support of his motion, plaintiff attaches a good faith letter addressing what he believes to be deficiencies in discovery. However, this letter is addressed to attorneys at the Missouri Attorney General's Office, who do not represent any of the defendants in this case. Moreover, the discovery he seeks appears to be related to the underlying criminal charge that led to his being held in custody at the St. Louis City Justice Center on February 28, 2007, when the events giving rise to this excessive force case took place. Yet plaintiff's complaint here involves only a very brief time period in the custody of the Sheriff's Department and does not include any allegations regarding his underlying arrest or criminal case. In

addition to being irrelevant in this case, these defendants do not even have the discovery being sought by plaintiff. For these reasons, the motion to compel will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [#110] is denied.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written in black ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 10th day of April, 2013.